

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
Jordaniel Ortega, :
 :
 :
 Plaintiffs : VERIFIED COMPLAINT
 -against- :
 City of New York, New York City Police Department,
 New York City Police Officer Aliro Pellerano, Shield 6108 :
 of the 46 Police Precinct and New York City Police
 Officers John Doe, :
 :
 Defendants -----X

Plaintiff, by and through his attorney, JASON A. STEINBERGER, Esq, for his complaint,
 alleges upon information and belief as follows:

STATEMENT OF FACTS

1. That at all times hereinafter mentioned, Plaintiff Jordaniel Ortega, (hereinafter referred to as "ORTEGA") resides in Bronx County, State of New York.
2. That at all times hereinafter mentioned, the New York City Police Officer Aliro Pellerano, Shield 6108 of the 46 Police Precinct, (hereinafter referred to as "PELLERANO") was employed by the New York City Police Department.
3. That at all times hereinafter mentioned, the New York City Police Officers John Doe, involved in the arrest of Plaintiffs (hereinafter referred to as "DOES") were employed by the New York City Police Department.

4. That at all times hereinafter mentioned, Defendant City of New York, is a municipal corporation organized and existing under the laws of the State of New York, with a principal place of business located at 1 Centre Street, County of New York State of New York.
5. That at all times hereinafter mentioned, Defendant New York City Police Department, is an agency created and maintained by the above municipal government.
6. On or before about May 5, 2014 notice required by Municipal Law 50-E was given to City of New York, by personal service. Said notice set forth the facts underlying Plaintiffs' claim against the City of New York, and its agents and employees. To date, no answer has been received by Plaintiff and no compensation has been offered by the City of New York.
7. On or about October 13, 2014 a hearing required by Municipal Law 50-H was conducted. At said hearing, Plaintiff testified and set forth the facts underlying Plaintiff's claim against the City of New York and its agents and employees. To date, no answer has been received by Plaintiff and no compensation has been offered by the City of New York in response to this claim, and more than thirty (30) days have elapsed.
8. That on or about March 31, 2015 at approximately 6:00PM in the vicinity of East 177 Street and Morris Avenue, Bronx, NY Plaintiff was walking along the street without the engaging in any criminal conduct when he observed an individual running towards him, chased by PELLARANO and DOES.
9. That PELLARANO and DOES order Plaintiff to stop.
10. That Plaintiff was stopped, handcuffed and arrested.
11. That at no time did Plaintiffs possess anything of an illegal nature.
12. That after being arrested, Plaintiff was transported to the 46 police precinct.

13. That when Plaintiff arrived at the 46 precinct he was strip searched and nothing of an illegal or unlawful nature was found his person.
14. That when Plaintiffs arrived at the 46 precinct he was placed into a cell.
15. That after being held in cells for several hours in the 46 precinct, Plaintiff was removed to Bronx Central booking located at 215 East 161 Street, Bronx, New York.
16. That while at Bronx Central Booking, Plaintiff was held in a cell with other males for several hours.
17. That while at Bronx Central Booking, Plaintiff was subjected to harassment from the other male prisoners.
18. That while at Bronx Central Booking, Plaintiffs were denied access to a working bathroom.
19. That on April 2, 2014, The Office of the Brinx Disrict Attorney declined to prosecute the case against Plaintiff and he was released.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS

20. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 19, as if more fully stated herein at length.
21. That Defendants acted with actual malice toward ORTEGA and with willful and wanton indifference to and deliberate disregard for the statutory and constitutional rights of the Plaintiff.
22. That the actions of the Defendants constituted unreasonable deprivation of liberty without due process of law.

23. That as a result of the actions by Defendants ORTEGA was traumatized and fears for his physical safety when she sees and encounters members of the New York City Police Department from that day and onward.

24. That as a result of the Defendants' actions, ORTEGA has been unable to sleep.

25. That as a result of the Defendants' actions, ORTEGA was forced to miss multiple days from school.

26. That as a result of the Defendants' actions ORTEGA sustained damage to his person in the sum within the jurisdiction of the Supreme Court and in excess of all inferior courts.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS

27. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 26, as if more fully stated herein at length.

28. The intentional verbal abuse, false arrest and false imprisonment by Defendants violated the rights of ORTEGA as guaranteed by the Fourth, Fifth and Eighth Amendments to the United States Constitution, as well as the corresponding sections of the New York State Constitution, for which Defendants are individually liable.

29. Defendants having no lawful authority to arrest ORTEGA did, nevertheless, unlawfully arrest ORTEGA with actual malice toward her and with willful and wanton indifference to and deliberate disregard for his constitutional rights. Thus Plaintiff ORTEGA is entitled to both compensatory and exemplary damages.

AS AND FOR A THIRD CAUSE OF ACTION AS AGAINST DEFENDANTS

30. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 29, as if more fully stated herein at length.

31. Defendants conspired to violate ORTEGA's statutory civil rights in violation of 42 U.S.C. sec.1983, et al as well as the corresponding sections of the New York State Constitution, for which Defendants are individually liable. Thus Plaintiff ORTEGA is entitled to both compensatory and exemplary damages, as well as attorney's fees.

AS AND FOR A FOURTH CAUSE OF ACTION AS AGAINST DEFENDANTS

32. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 31, as if more fully stated herein at length.

33. Plaintiff ORTEGA was verbally abused, falsely arrested and falsely imprisoned by Defendants in a manner that was extreme, outrageous and unjustified and caused ORTEGA to suffer physical and severe emotional distress for which the Defendants are individually liable. The verbal abuse, false arrest and false imprisonment on and of Plaintiff ORTEGA by Defendants were unjustified and done with actual malice and wanton indifference to and deliberate disregard for human life and the rights of Plaintiff ORTEGA. ORTEGA is thus entitled to compensatory and exemplary damages.

**AS AND FOR A FIFTH CAUSE OF ACTION AS AGAINST CITY OF NEW YORK AND
NEW YORK CITY POLICE DEPARTMENT**

34. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 33, as if more fully stated herein at length.

35. At all times pertinent hereto, PELLERANO and DOES were acting within the scope of their employment as officers of the New York City Police Department and City of New York.

36. The City of New York and New York City Police Department are each liable for compensatory damages under the doctrine of respondeat superior for the intentional torts that PELLERANO and DOES committed within the scope of their employment.

AS AND FOR A SIXTH CAUSE OF ACTION AS AGAINST DEFENDANTS

37. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 36, as if more fully stated herein at length.

38. The City of New York and New York City Police Department's failure to provide adequate training and supervision to its police officers constitutes a willful and wanton indifference and deliberate disregard for human life and the rights of private citizens, including Plaintiff ORTEGA. Plaintiff ORTEGA is thus entitled to compensatory exemplary damages.

AS AND FOR A SEVENTH CAUSE OF ACTION AS AGAINST DEFENDANTS

39. Plaintiff repeats, reiterates and realleges the allegations contained in paragraphs 1 through 38, as if more fully stated herein at length.

40. Upon information and belief, the City of New York and New York City Police Department maintained a system of review of police conduct which was so untimely and cursory

that it was ineffective and permitted and tolerated the unreasonable detention of Plaintiff ORTEGA.

41. Upon information and belief, the City of New York and New York City Police Department maintained a system of review of police conduct which was so untimely and cursory that it was ineffective and permitted the wanton indifference to and deliberate disregard for the statutory and constitutional rights of Plaintiff ORTEGA.

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

On the first cause of action, a sum within the jurisdiction of this Court and in excess of all inferior courts;

On the second cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts, together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the willful and wanton nature of Defendants actions.

On the third cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the willful and wanton nature of Defendants actions.

On the fourth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the Defendants' wanton and willful actions;

On the fifth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts

On the sixth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts.

On the seventh cause of action, a sum within the jurisdiction of this Court and in excess of all inferior courts.

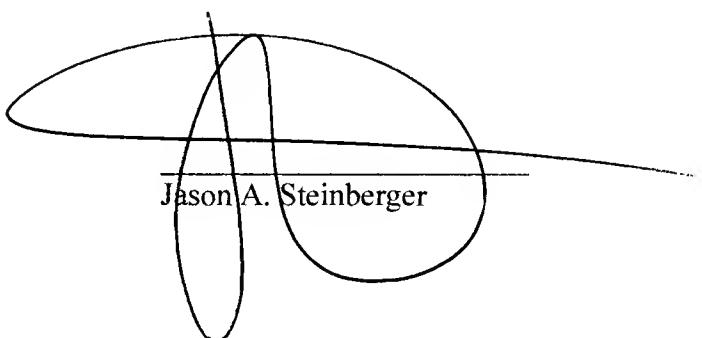
Law Offices of Jason A. Steinberger, LLC

Jason A. Steinberger, Esq.
Attorney for Plaintiffs
505 Eighth Avenue
Suite 701
New York, NY 10018
(718) 585-2833

STATE OF NEW YORK: COUNTY OF BRONX

The undersigned, an attorney admitted to practice in the State of New York, under penalties of perjury, affirms the following to be true: Affirmant has read the foregoing Complaint and the contents thereof; the same is true to affirmant's own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters affirmant believes it to be true; and the reason this verification is made by affirmant and not by the plaintiff is because the plaintiff is not within the county in which your affirmant maintains his principal office. The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are communications with the plaintiff, review of records and documents within affirmant's possession.

Affirmed: June 11, 2015



Jason A. Steinberger

Index Number:
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

JORDANIEL ORTEGA

Plaintiff

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT POLICE, NEW YORK CITY POLICE OFFICER ALIRO PELLERANO, SHIELD 6108 OF THE 46 POLICE PRECINCT AND NEW YORK CITY POLICE OFFICERS JOHN DOE,

Defendant.

SUMMONS AND COMPLAINT

LAW OFFICES OF JASON A. STEINBERGER, LLC
505 Eighth Avenue
Suite 701
New York, NY 10018

To:

Attorney (s) for Defendant(s)

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

that the within is a (certified) true copy of
 entered in the office of the clerk of the within named Court on

**NOTICE
OF ENTRY**

that an Order of which the within is a true copy will be presented for settlement to the Hon.
NOTICE OF once of the Judges of the within named Court,
SETTLEMENT at

on 200 , at m.

Dated:

JASON A. STEINBERGER, ESQ.
505 Eighth Avenue, Suite 701
New York, NY 10018

To:

Attorney(s) for